check and refused to pay additional fare, whereupon he was violently ejected from the car. In a criminal proceeding against the conductor for the assault, he was defended by the railway attorneys and the company paid his fine. Plaintiff now brings action against the company for damages for personal injuries. *Held*, Defendant is liable for *exemplary* damages. *Denison & So. Ry. Co.* v. *Randel* (1902), — Texas — , 69 S. W. Rep 1013.

Much litigation has arisen respecting the ejection of passengers who, having paid fare, have been unable to produce satisfactory evidence of that fact to the conductor. Though there is much conflict of authority, it is believed that mere non-possessing of a ticket, or mere failure to produce the same, will not warrant the ejection of a passenger who has paid fare and is without fault, and acting in good faith. See 1 MICHIGAN LAW REVIEW, p. 223. Upon the question of damages the court held that by defending the conductor in the criminal proceeding and retaining him in its employ, defendant had ratified the act of its agent and made itself liable for exemplary damages. Whether the award of exemplary damages in any case is proper is a disputed question. Some authorities hold that the aim of the law which gives redress for private wrongs is compensation to the injured and that the award of damages by way of punishment is wrong in principle and wholly improper. Much may be said in favor of this view. *Spokane Truck and Dray Co.* v. *Hoefer*, 2 Wash. 45, 25 Pac. 1072; *Murphy* v. *Hobbs*, 7 Col. 541. In the principal case, *punishment* had already been meted out by means of a criminal prosecution and fine. Had the civil action been instituted against the conductor he could have pleaded the criminal prosecution in mitigation of damages—*Flanagan* v. *Womack*, 54 Tex. 45—or in absolute bar of exemplary damages—*Austin* v. *Wilson*, 4 Cush. 273, 50 Am. Dec. 766; *Murphy* v. *Hobbs*, supra. The doctrine of exemplary damages, however, is upheld by the great weight of authority. Where this rule prevails it is quite uniformly held that exemplary damages may be assessed against a corporation if it ratifies the wilful trespass of its agent. *Cleghorn* v. *Ry. Co.*, 56 N. Y. 44; *L. S. & M. S. Ry.* v. *Prentice*, 147 U. S. 101, 13 Sup. Ct. 261; *Hagan* v. *Ry. Co.*, 3 R. I. 88. But upon the question of the necessity of ratification in order that exemplary damages may be assessed, the authorities divide. Many courts have held that ratification is unnecessary if the act was done in the regular course of employment. *Goddard* v. *Grand Trunk Ry. Co.*, 57 Me. 202; *Hopkins* v. *Ry. Co.*, 36 N. H. 9; *Ry. Co.* v. *Dunn*, 19 Ohio St. 162; *Fell* v. *Nor. Pac. Ry.*, 44 Fed. 248; *Gallena* v. *Hot Springs Ry.*, 13 Fed. 116. *Contra: L. S. & M. S. Ry.* v. *Prentice* (supra); *Ry. Co.* v. *Finney*, 10 Wis. 388; *Turner* v. *Ry. Co.*, 34 Cal. 594; *Hagan* v. *Ry. Co.* supra; *Rouse* v. *Met. St. Ry.*, 41 Mo. App. 298.

CONSTITUTIONAL LAW—JUDGMENT—FULL FAITH AND CREDIT—STATUTE OF LIMITATIONS.—A Colorado statute provided that if, at any time after it went into effect, any suit be brought against a citizen of Colorado in another state, which suit was barred in Colorado, though not in such other state, and judgment be recovered thereon, and an action be thereafter brought in Colorado to enforce such judgment, it should be lawful for the defendant to plead in bar that such judgment had been recovered upon a cause that was barred by the Colorado statute of limitations, and that the plea should be a good defense. Plaintiff sued on a judgment recovered in Utah, in a cause barred in Colorado, though not in Utah. *Held*, That the Colorado statute was unconstitutional in that it denied full faith and credit to the records and judicial proceedings of sister states. *Keyser* v. *Lowell* (1902), — C. C. A. —, 117 Fed. R. 400.

The case was rightly decided and is in accord with former cases on the

subject in which substantially similar statutes were passed upon: *Christmas* v. *Russell* (1866), 5 Wall. 290, 18 L. ed. 475; *Dodge* v. *Coffin* (1875), 15 Kan. 277. The statute of limitations affects the remedy only. Therefore a limitation by the state as to the time within which to sue upon judgments of a sister state is not denying full faith and credit thereto: *McElmoyle* v. *Cohen* (1839), 13 Peters, 312, 10 L. ed. 177; *Randolph* v. *King* (1867), 2 Bond (U. S. C. C.) 104; *Meek* v. *Meek* (1876), 45 Ia. 294; *Bank of Alabama* v. *Dalton* (1850), 9 How. (U. S.) 522, 13 L. ed. 242; *Bacon* v. *Howard* (1857), 61 U. S. (20 How.) 22, 15 L. ed. 811; although there were early decisions holding to the contrary: *Morton* v. *Naylor* (1838), 1 Hill (S. C.) 439. But such a statute must not, in the words of Sanborn, J., in the principal case, be a "statute of nullification." It must accord a reasonable time within which to begin suit, and the legislature cannot instantaneously and arbitrarily bar suit upon an existing cause. *Osborn* v. *Jaines* (1863), 17 Wis. 592; *Briscoe* v. *Anketell* (1864), 28 Miss. 361, 61 Am. D. 553; *Price* v. *Hopkins* (1865), 13 Mich. 318.

CONSTITUTIONAL LAW—CLASSIFICATION OF CITIES—SPECIAL ACTS CONFERRING CORPORATE POWERS.—In Article XIII, Sec. I., of the Ohio constitution of 1851 it is provided, "The general assembly shall pass no special act conferring corporate powers." At an early date thereafter the legislature classified municipal corporations as follows: (1) Cities of the first-class, being those which had or might have a population exceeding twenty thousand. (2) Cities of the second-class, those municipalities having or attaining a population of more than five thousand, but not exceeding twenty thousand. (3) Incorporated villages. (4) Incorporated villages for special purposes. Since that time successive acts subdivided the original classification, so that the first-class contained three grades, and the second eight grades. Under this last classification each of the principal cities was isolated into a grade of its own, with no provision for its advance into another grade or class. Legislation under this classification brought the subject of "special laws" before the supreme court in two recent cases. In the first mandamus was sought to compel the defendants, the present incumbents, to turn over the property of their office to the plaintiffs, police commissioners for the City of Toledo, duly appointed by the governor of the state under an act which was applicable only to cities of a certain class and grade. *Held*, that the legislative act was invalid, being contrary to the state constitution in conferring corporate powers under a special act. *State* v. *Jones* (1902), — Ohio St.,—, 64 N. E. Rep. 424.

In the second, quo warranto proceedings were brought on the relation of the attorney general against the defendants, who claimed and exercised their offices under a legislative act, operative only upon cities of the second grade of the first class. *Held*, that the act was invalid for the reasons stated in *State* v. *Jones*, supra, but the execution of ouster was temporarily suspended for public considerations. *State* v. *Beacom* (1902),— Ohio St. —, 64 N. E. Rep. 427.

In the decisions of these cases, the supreme court departed from the doctrine of *stare decisis* and aroused great interest among the people generally in that the municipalities were left without a *de jure* government. Whether the original classification into four classes was unconstitutional, the court did not determine, though it is interesting to note that the framers of the code have provided for only two classes in the organization of municipalities,—cities and villages. Undoubtedly, the court in these cases came to the proper conclusion and checked a pernicious practice, which the constitution sought to prevent. *Blankenburg* v. *Black*, 200 Pa. St. 629; *Bessette* v. *People*, 193 Ill. 334, 56 L. R. A. 558. However, that population may be the legitimate